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6 Bodega Latina Corporation, dba El Super

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 FRANCISCA AMADOR-ROSAS,

CASE NO: 2:16-CV-02216-APG-PAL

10 Plaintiff,

11 vs.

12 BODEGA LATINA CORPORATION dba
EL SUPER; DOES I-V, inclusive; and
13 ROE BUSINESS ENTITIES I-V, inclusive,

14 Defendants.

ORDER

15 **MOTION FOR EXTENSION OF TIME TO RESPOND TO**
16 **ORDER TO SHOW CAUSE [ECF 6].**
(FIRST REQUEST)

17 COMES NOW, Defendant BODEGA LATINA CORPORATION dba EL SUPER
18 (hereinafter "Bodega"), by and through its attorney of record, Michael C. Mills, Esq. of
19 the law firm of Bauman Loewe Witt & Maxwell, PLLC, and hereby submits this Motion
20 for Extension of Time pursuant to Local Rule 6-1 for an additional 30 days to respond to
21 this Court's Order to Show Cause. [ECF 6].

22 **I. FACTS**

23 Plaintiff alleges in her complaint that slipped and fell in Defendant's "El Super"
24 grocery store on August 8, 2015 in Clark County, Nevada. [ECF 1]. On August 2, 2016,
25 Plaintiff Francisca Amador-Rosas (hereinafter "Plaintiff") filed her Complaint against
26 Bodega. [ECF 1]. Bodega filed its Answer on August 15, 2016. [ECF 1]. N.R.C.P 16.1
27 (b)(1) required Plaintiff to designate the time and place of the Rule 16.1 Early Case
28

1 Conference within 30 days of the filing of the Answer. (See Affidavit of Michael C. Mills,
2 Esq., hereto attached as “**Exhibit A**”.)

3 Bodega’s counsel sent correspondence to Plaintiff’s counsel on September 2,
4 2016 requesting that an Early Case Conference be scheduled because Plaintiff had not
5 initiated the scheduling pursuant to N.R.C.P. 16.1. (*Id.* at 1:21-23.) Bodega served its’
6 N.R.C.P. 16.1 Early Case Conference production of documents and list of witnesses on
7 Plaintiff on September 12, 2016. (*Id.* at 1:24-26.) The N.R.C.P. 16.1 Early Case
8 Conference was held on September 15, 2016. (*Id.* at 1:27-28.) Bodega’s counsel
9 requested Plaintiff’s medical records and medical bills at the conference but did not
10 receive anything. (*Id.* at 2:1-2.) Rule 16.1 required Plaintiff to produce her Rule 16.1
11 disclosures at the Early Case Conference or within 14 days thereof. N.R.C.P. 16.1. The
12 deadline for Plaintiff’s production passed on September 26, 2016. (*Id.* at 2:5-6.)
13 Bodega’s counsel sent correspondence and requests to Plaintiff’s counsel for the
14 medical records and bills but never received anything. (*Id.* at 2:7-8.)

15 On September 16, 2016, Plaintiff filed a Request for Exemption with the Alternate
16 Dispute Resolution (ADR) commissioner for non-binding arbitration alleging damages
17 greater than \$50,000.00. (*Id.* at 2:9-11.) [ECF 1]. On September 20, 2016, Defendant
18 removed the matter to Federal Court on the basis of diversity of citizenship jurisdiction
19 anticipating that Plaintiff’s medical records would have been received. (*Id.* at 2:12-14.)
20 [ECF 1]. On September 23, 2016, this Court filed its Order to Show cause as to why the
21 Court would have jurisdiction. (*Id.* at 2:17-19.) [ECF 6].

22 The ADR Commissioner granted Plaintiff’s Request for Exemption on October 6,
23 2016 because Plaintiff’s probable jury damages were greater than \$50,000.00. (*Id.* at
24 2:23-26.) Bodega’s counsel noticed an F.R.C.P. Rule 26(f) conference for October 4,
25 2016 because of Plaintiff’s counsel failure to provide N.R.C.P. 16.1 disclosures. (*Id.* at
26 2:27-28.) Plaintiff’s counsel refused to attend the October 4, 2016 Rule 26(f)
27 conference and requested it be rescheduled for October 10, 2016. (*Id.* at 3:1-3.)
28 F.R.C.P. Rule 26(A)1(C) requires disclosure be exchanged at the Rule 26(f) conference

MOTION FOR EXTENSION OF TIME TO RESPOND TO ORDER TO SHOW CAUSE (FIRST)

1 or within 14 days thereof. F.R.C.P. Rule 26(A)1(C). The date chosen by Plaintiff's
2 attorney specifically delayed the production deadline until after the due date of the
3 response to the Order to Show Cause expired. (*Id.* at 3:5-8.) Plaintiff still has not
4 produced any medical records or bills. (*Id.* 3:15-17.)

5 **II. POINTS AND AUTHORITIES**

6 **1. Previous Extensions Granted**

7 Local Rule 6-1. Requests for Continuance, Extension of Time or Order Shortening
8 time requires: "Every motion or stipulation to extend time shall inform the Court of any
9 previous extensions granted." LR 16-1.

10 No previous extensions have been requested or granted.

11 **2. Reasons for the Extension**

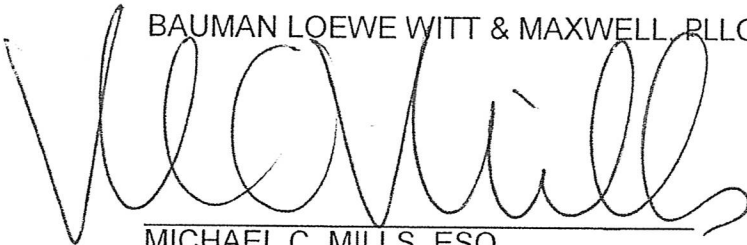
12 Local Rule 6-1 requires: "Every motion or stipulation to extend time shall [...] state
13 the reasons for the extension requested." LR 16-1.

14 Defendant requires the extension to respond to the Order to Show Cause
15 because it needs to review Plaintiff's medical records and bills in order to adequately
16 respond to the Order. Defendant has made numerous attempts to obtain Plaintiffs
17 medical records and bills by sending numerous correspondence to Plaintiff's counsel
18 and making telephonic and in person requests at both the N.R.C.P. 16.1 Early Case
19 Conference and at the F.R.C.P. 26(f) Conference for the records and bills. ("**Exhibit**
20 **A**".) Plaintiff's counsel failed to produce disclosures by the September 26, 2016 due
21 date required by N.R.C.P. 16.1. (*Id.* at 2:5-8.) Plaintiff also failed to produce any medical
22 records or bills at the F.R.C.P. Rule 26(f) conference. (*Id.* at 3:4-12.) Plaintiff's counsel
23 refused to attend the noticed October 4, 2016 Rule 26 (f) conference and had it
24 rescheduled to October 10, 2016. (*Id.* at 3:2-3.) The rescheduling of the Rule 26(f)
25 conference to October 10, 2016 resulted in the deadline to produce the Rule 26(f)
26 disclosures being after the deadline for Defendant to Respond to this Courts Order to
27 Show Cause. (*Id.* at 3:4-8.). As of the date of this Motion, Plaintiff has not provided
28 Defendant with any medical records or bills. (*Id.* at 3:15-17.)

1 Delays of Plaintiff's counsel in producing documents as required by the Rules of
2 Civil Procedure, have prevented Defendant from providing a meaningful response to
3 this Court's Order. Defendant is therefore requesting the Court grant a 30 day
4 extension of time to respond to the Order to Show Cause to allow Defendant to receive
5 and review Plaintiff's medical records and bills and allowing Defendant to provide
6 additional information about why this Court has jurisdiction.

7 Dated this 20th day of October, 2016.

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20 **IT IS SO ORDERED:**

21 UNITED STATES DISTRICT JUDGE

22 

23 DATED: October 20, 2016